

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

REGINALD MCCLAIN,	:	Case No. 1:20-cv-673
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
HON. JUDGE THOMAS CRUSH, et al.,	:	
	:	
Defendants.	:	
	:	

ORDER OVERRULING OBJECTION (Doc. 6), ADOPTING REPORT AND
RECOMMENDATION (Doc. 5) IN ITS ENTIRETY, DISMISSING COMPLAINT
(Doc. 4), AND TERMINATING ACTION

This case is before the Court upon the Report and Recommendation (Doc. 5) entered by United States Magistrate Judge Stephanie K. Bowman. In the Report and Recommendation, Magistrate Judge Bowman recommends that the Court dismiss the Complaint (Doc. 4) on alternative grounds, depending on whether or not Plaintiff's claims implicate the validity of his convictions or sentences. Plaintiff, who is proceeding *pro se* in this action, filed Objections (Doc. 6) to the Report and Recommendation, making this matter ripe for review.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon said review, the Court finds that Plaintiff's Objection is not well-taken and is accordingly **OVERRULED**. The Court **ADOPTS** the Report and Recommendation in its entirety

and rules as follows:

1. To the extent the success of Plaintiff's claims could implicate the validity of his convictions or sentences, they are **DISMISSED** as *Heck*-barred **WITHOUT PREJUDICE**.
2. To the extent Plaintiff's claims are not *Heck*-barred, they are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted.
3. The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a) that an appeal of this Order would not be taken in good faith and therefore Plaintiff is **DENIED** leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. See *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).
4. This action is **TERMINATED** on the Court's docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND